

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

FILE: B-208322.2

DATE: December 7, 1982

MATTER OF: ADJL Enterprises, Inc.--Reconsideration

DIGEST:

1. Request for reconsideration of protest decision filed more than 10 working days after it appears protester learned of grounds for requesting reconsideration is untimely.
2. Alleged antitrust violations are for consideration by the Attorney General, not GAO.

ADJL Enterprises, Inc. (ADJL), requests reconsideration of our decision in ADJL Enterprises, Inc., B-208322, September 15, 1982, 82-2 CPD 226, which dismissed ADJL's protest of the award of a contract by the Naval Supply Systems Command to MB Associates (MB) under request for proposals No. N00104-82-R-WW27.

ADJL protested the award on the grounds that MB's bid price was below cost, noncompetitive and arrived at with the intent of driving ADJL out of business. We dismissed the protest because under our decisions the submission of a below-cost bid is not a valid basis to challenge the award of a contract.

ADJL's request for reconsideration was received by our Office on October 18, 1982. Our Bid Protest Procedures, 4 C.F.R. § 21.9(b) (1982), require that requests for reconsideration be filed (received) in this Office within 10 working days after the basis for reconsideration is known or should have been known to the protester, whichever is earlier. Although ADJL does not indicate when it received our decision, we have held that it is reasonable to assume that a protester will have received a decision not later than 1 calendar week after its issuance, or, in ADJL's case, September 23, 1982. Bell & Howell Company--Reconsideration, B-203235.6, March 2, 1982, 82-1 CPD 183. Since it appears that the reconsideration request was not filed within the 10-day period specified in our Procedures, we dismiss it.

In addition, to the extent that ADJL's request raises the question that MB's actions violate the antitrust statutes, this is a matter to be considered by the Attorney General, not the General Accounting Office. See McQuiston Associates, B-199013, September 1, 1981, 81-2 CPD 192.

Harry R. Van Cleve
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Acting General Counsel